IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

CRP.No. 913 of 2007()

AGAINST THE ORDER DATED 13/08/2007 IN IA 130/2007. IN WOA.1/2006 of WAKF TRIBUNAL, ERNAKULAM

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REVN. PETITIONER: RESPONDENTS
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1. PERUMPILLICHIRA MUHIYUDHEEN PALLY MAHAL JAMA-ATH COMMITTEE, PERUMPILLICHIRA, REP. BY ITS SECRETARY, C.K.MUHAMMED KUNJU, S/O. KASSIM, AGED 56 YEARS, CHOORAVELIL HOUSE, PUTHUCHIRA KAVALA, PETTENAD KARA, THODUPUZHA VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT.

2. T.M.IBRAHIM HAJI, S/O. MYTHEEN, AGED 71 YEARS, THEKKEPULLOLIL HOUSE, MUTHALAKODAM P.O., PUTHUCHIRA KAVALA, PETTANAD KARA, THODUPUZHA VILLAGE, THODUPUZHA TALUK, PERUMPILLICHIRA KARA, IDUKKI DISTRICT.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

RESPONDENTS: APPLICANTS AND ADDL. 3RD RES. W.O.A. 1/06
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1. K.M.KASSIM, S/O. MYTHEEN, AGED 40 YEARS, KALAPURACKAL HOUSE, PERUMPILLICHIRA KARA, KUMARAMANGALAM VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT.

2. A.A.RAHEEM, S/O. ALIYAR, AGED 40 YEARS, ATHIMANNIL HOUSE, PERUMPILLICHIRA KARA, KUMARAMANGALAM VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT.

3. V.A.SULAIMAN, S/O. ABDUL KADER, AGED 42 YEARS, VETTICKAL HOUSE, PERUMPILLICHIRA KARA, KUMARAMANGALAM VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT.

4. ABDUL KHADER, S/O. MUHAMMED,
AGED 47 YEARS, THEKKEKARAYIL HOUSE,
PERUMPILLICHIRA KARA, KUMARAMANGALAM VILLAGE,
THODUPUZHA TALUK, IDUKKI DISTRICT.

5. K.M.HAMSA, S/O. MYTHEEN, AGED 42 YEARS,
PADINJAREVEETTIL HOUSE, PERUMPILLICHIRA KARA,
KUMARAMANGALAM VILLAGE, THODUPUZHA TALUK,
IDUKKI DISTRICT.

6. T.M.SYNUDEEN, S/O. MOHAMMED,
AGED 50 YEARS, THEKKEKARAYIL HOUSE,
PERUMPILLICHIRA KARA, KUMARAMANGALAM VILLAGE,
THODUPUZHA TALUK, IDUKKI DISTRICT.

7. THE KERALA STATE WAKF BOARD,
REP. BY ITS CHIEF EXECUTIVE OFFICER, KALOOR,
KOCHI.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

C.R.P No. 913 of 2007

Dated this the 25th day of October 2007

ORDER

Kurian Joseph,J

The revision petitioners approached this court aggrieved by the interim order passed by the Wakf Tribunal, Ernakulam changing the Returning officer/Advocate Commissioner deputed for conduct of election to the Mahal. It is seen that Advocate Sri. K.M.Pareeth who was the Advocate Commissioner has informed his inability to continue the work owing to health reasons. Though that factual situation is vehemently disputed by the revision petitioners, in view of the stand taken by Advocate Sri.K.M.Pareeth that his health does not permit him to continue the work , at this stage it may not be possible for this Court to compel Sri.K.M.Pareeth to be the Returning Officer. The Tribunal has appointed one Sri.P.P.Tajudeen as Returning Officer. According to the revision petitioners the order of appointing Sri.P.P.Tajudeen is illegal. The parties agree that in view of the reservation as above, Advocate M.Hallaj can be appointed as the Returning Officer.

Accordingly, we set aside the impugned order passed by the Wakf Tribunal in I.A. No. 130/2007 in W.O.A No.1/2006 and appoint Sri.M. Hallaj as the Returning Officer for the conduct of election. The election shall go on as scheduled.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

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